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April 24, 2024

BY ECF and Email

The Honorable Hector Gonzalez
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: United States v. Rashawn Russell, 23-CR-152 (HG)

Your Honor:

PRELIMINARY STATEMENT

“Because I knew my child was full of purpose and destined for greatness.” – Catherine Singh

Rashawn Russell is a young man whom throughout his life excelled in nearly every area – academics, athletics, and in business. As a child growing up in an impoverished neighborhood in Jamaica, he dreamed of becoming a professional soccer player, and after emigrating to the United States in his youth, he envisioned a bright future where he could change his family’s circumstances. From early on in his life, Mr. Russell was a star student, who was the pride of his parents and a role model for his siblings, a burgeoning entrepreneur in the cutting-edge cryptocurrency industry, and a pillar of his community. However, just as he struck out on his own to bring his highest ambition into fruition, he became ensnared by a long-ignored addiction to gambling. His addiction had been disguised, and exacerbated, by the allure of the high-risk, fast-paced world of finance. He soon found himself in over his head after a market crash wiped out most of the value in cryptocurrency trading and his demons emerged in a moment of panic. Mr. Russell deeply regrets the hurt that he caused to his friends, his investors, and his family, but most especially his mother. He is the apple of her eye



Mr. Russell and his mother

and represented the hope and promise of the family. This case has been heartbreaking for her. Knowing that he caused her so much pain has been devastating for Mr. Russell. However, he is determined to be better from his mistakes, including taking steps to address his gambling addiction. Further, his period of incarceration at the MDC has been especially challenging, as well as humbling. Mr. Russell wants nothing more than to move forward with his life, make the victims whole, and restore his mother's pride.

We respectfully request that the court impose a sentence of time served.

A childhood borne of adversity.

“[Rashawn] has always shouldered the responsibilities of our family due to him being the only son.”
– Ranessa Russell

Mr. Russell was born and raised in Kingston, Jamaica in 1995 to his parents, Vincent Russell and Catherine Singh. Mr. Russell was raised with his two younger sisters, Rianna and Ranessa, in the Waterhouse district in Kingston. Mr. Russell's family was close-knit, and he lived amongst extended family in his community. For most of his childhood, his home was one filled with love and support from his parents.

The 1990s of Mr. Russell's youth was a turbulent time in Jamaica, as the country was beset with extreme political violence and local gang violence, which had persisted for several decades since Jamaica's independence from the United Kingdom in 1962.¹ By 1997, when Mr. Russell was two years old, Jamaica reached an ignominious distinction – over 1,000 murders recorded in one year for the first time in the country's history.² Two years later in 1999 at the dawn of the new century, when Mr. Russell was four years old, a protest to a new government tax policy escalated into a riot where at least 10 people were killed.³



Mr. Russell and his aunt in Jamaica

Mr. Russell describes Waterhouse as a low-income “inner city ‘ghetto’” where it was “hard for people to get a job with that zip code even if you went to the best

¹ The BBC, “Jamaica Profile – Timeline” (Oct. 4, 2022), <https://www.bbc.com/news/world-latin-america-18784730>.

² Jamaica Constabulary Force, “Crime Statistics,” <https://jcf.gov.jm/stats/>, (last accessed Apr. 24, 2024).

³ Freedom House, “Freedom in the World 1999 - Jamaica, 1999,” <https://www.refworld.org/reference/annualreport/frechou/1999/en/95205>, (last accessed Apr. 23, 2024).

schools.” He recalled grim scenes from his childhood – “The gunmen would tell you to get in before 8 pm. You would see dead people laying on the street walking to school.” He did his best to “build a wall and stay away” from the violence in the streets and focused on his education as his path forward. He believed that staying on the straight and narrow would be his saving grace and felt that “nothing will happen to you because they don’t kill innocent people.” However, even in the midst of the chaos, he found his neighborhood as “a place of joy and people are there for each other as long as you stay out of the gang violence.”



Mr. Russell in Jamaica

However, his life changed dramatically when he was around 10 years old when the safety and security of his homelife was shattered. One night, his parents were arguing at home. His mother had recently discovered that his father had been cheating on her and she confronted him. In response, he hit her. For Mr. Russell, that first experience of violence in his home shocked and surprised him. His family, and his life, would never be the same. After his father continued to assault his mother on several other occasions, he had enough. During one violent episode, Mr. Russell jumped in between them to protect his mother from his father’s attacks. By that time, Ms. Singh had enough as well. She eventually moved on her own to the United States to start a better life and separated from Mr. Russell’s father. Although his father had been a successful businessman in Jamaica at that time, his father also moved to the U.S. with his youngest sister Ranessa. His parents would not reconcile, and his father later remarried.



Mr. Russell and his sister Rianna

With his parents gone, Mr. Russell moved in with his grandmother, where he would live for the next few years until he was 14. Although his sister Rianna initially lived with their grandmother as well, that was short-lived as she also moved to the U.S. to live with their father. Mr. Russell missed his mother terribly and was only able to visit her in the U.S. during the summers. However, his parents still supported him financially and sent money to him, and he grew incredibly close with his grandmother. She was a loving and deeply religious woman who attended church every Sunday and was happy as long as Mr. Russell was attending church with her.

Despite the pervasive violence in his community and the trauma of watching the breakup of his family turn into years of separation, Mr. Russell found a safe haven

at school and on the soccer field. His central goals were to excel in school and to become a professional soccer player. He was determined to become the best possible soccer player, even when he had no field to play on. He recalls at times playing soccer in a “gulley,” a large ditch used for trash collection, and playing in neighborhood soccer tournaments barefoot. He recalled that “everything that’s around you . . . any suffering, [from] having to walk to take showers, you don’t think about those things. [You’re] just lost in that joy and happiness in a place that is the epitome of hopelessness.”

Through hard work, he obtained a scholarship to the prestigious all-boys Calabar High School, where he enrolled after the sixth grade. Calabar High School is ranked in the top 25⁴ of secondary schools in Jamaica, and produced several notable alumni, including Jamaica’s former Prime Minister Percival James Patterson (1992–2002), several Rhodes Scholars and Olympians, most notably two members of Jamaica’s inaugural bobsled team, whose story served as the basis for the film “Cool Runnings.”⁵ Calabar helped expand his passion for academic excellence, and nurtured his development as an athlete. Calabar had a long legacy of athletic prominence when he arrived at the school, particularly the soccer team, which had recently won multiple national competitions in the mid-2000s.⁶ Mr. Russell played on the soccer team and attended Calabar until he was 14, when his life would take another dramatic turn as he reunited with his mother and sisters in the U.S.

A difficult transition.

“He taught me that no matter the four walls we lived in, we were to fly like birds because they could never contain our spirit.” – Rianna Russell

When Mr. Russell first arrived in the U.S. in 2010, he flew on the plane by himself and went to live with his mother and sisters in Little Haiti in Brooklyn. Unfortunately, his transition to the U.S. proved to be far more difficult than he imagined. At that time, his mother was working and maintained an apartment with her children. However, shortly after Mr. Russell joined them, his



Mr. Russell and his sister

⁴ Loop News, *Immaculate Conception High tops Educate Jamaica’s high school ranking* (July 19, 2023), <https://jamaica.loopnews.com/content/immaculate-conception-high-tops-educate-jamaicas-high-school-ranking> (Calabar High School listed at 25 and one of only six all-boys schools to make the list).

⁵ Calabar High School, “Noteworthy Calabar Alumni,” <http://calabarhighschool.com/content/noteworthy-calabar-alumni>, (last accessed Apr. 24, 2024).

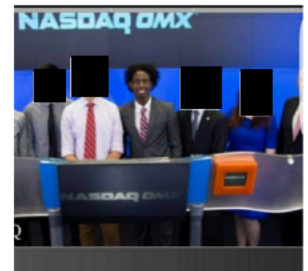
⁶ Calabar High School, “Football,” <http://calabarhighschool.com/content/football>, (last accessed Apr. 24, 2024).

mother lost her job and the apartment. The family was immediately plunged into extreme poverty. Mr. Russell, his mother and sisters moved into a homeless shelter in Brownsville as his mother continued to look for work. Being homeless with his family was exceptionally challenging as he tried to navigate acclimating to the U.S., adjusting to a new school, and trying to keep up with his passion for soccer.

Although Mr. Russell had traveled across an ocean to reunite with his family and escape the ever-present violence of Waterhouse, he unfortunately found a community Brownsville with stark similarities. Prior to his arrival, Brownsville had the distinction of being the first neighborhood in New York City to record a homicide at the start of the year, in 2007 and 2008, respectively.⁷ Further, the public schools in his community were not on par with the elite high school he attended in Jamaica. Notably, by 2009, New York City schools “posted the worst average scores of [New York] state’s 62 counties on both English and math in most grades.”⁸ Mr. Russell initially attended Believe Southside Charter High School (“Believe Southside”) in Williamsburg, where he became the captain of the soccer team. However, just as he was settling into his new school and making friends, the school became embroiled in a financial scandal. Believe Southside was part of a network of charter schools based in Williamsburg.⁹ However, after reports emerged of severe financial mismanagement, the network of schools, including Believe Southside, was closed in 2012¹⁰ and the founder and CEO of the network was later convicted of tax fraud.¹¹

Pursuing academic and athletic excellence.

After Believe Southside closed, Mr. Russell transferred to the High School of Economics and Finance (“HSEF”), located in the Financial District in Manhattan. His experience there would be life-changing. The school was just steps from Wall Street, and it is where he was first exposed to the world of finance and banking. He quickly developed an interest in the stock market and focused his education towards his goal of one day working on Wall Street.



Mr. Russell at NASDAQ with HSEF students

⁷ Kai Wright, *Where Murder Won't Go Quietly*, New York Magazine (Jan. 4, 2008), <https://nymag.com/news/features/crime/2008/42604/>.

⁸ Elissa Gootman & Robert Gebeloff, *Gains on Tests in New York Schools Don't Silence Critics*, The New York Times (Aug. 3, 2009), <https://www.nytimes.com/2009/08/04/nyregion/04scores.html>.

⁹ Aaron Rutkoff, *Charter School Founder Accused of Tax Fraud*, The Wall Street Journal (Apr. 12, 2012), <https://www.wsj.com/articles/BL-METROB-15026>.

¹⁰ The New York Post, *Final bell for inept charter* (Apr. 4, 2012), <https://nypost.com/2012/04/04/final-bell-for-inept-charter/>.

¹¹ NYC Rubber Room Reporter, *Ex-charter school CEO admits \$70K tax fraud* (June 21, 2014), <https://nycrubberroomreporter.blogspot.com/2014/06/eddie-calderon-melendez-former-ceo-of.html>.

At HSEF, Mr. Russell began to truly stand out amongst his peers. He was a star student and the school's proximity to Wall Street helped him land internships in finance throughout his time there, including at Bank of America, Moody's, and JP Morgan Chase Bank. Outside of the classroom, he was devoted to serving his community and other students. Throughout his time in high school, he served as a tutor for an after-school program called Empowering Tutoring Agency, where he primarily worked with developmentally disabled children between the ages of 6-13. As a tutor, he taught math, algebra, and science, and provided homework help. Many of the students had ADHD, autism and other diagnoses. Mr. Russell was often at the agency three to four times per week, and usually tutored students for two or three hours each session.

Along with tutoring, he continued playing club soccer at a high level. He played on the club team Blau Weiss Gottsche, based in Queens, which is an academy affiliate of Major League Soccer's New York Red Bulls team.¹² After transferring from Believe Southside, he continued playing in the academy system rather than for HSEF's team. He graduated from Blau Weiss Gottsche to the U-17 academy team for the New York Cosmos, a professional soccer team that previously played in a competitor league to the MLS.¹³ He was well on his way to realizing his dream of becoming a professional soccer player.

Unfortunately, his dream came to a crashing end when he tore his ACL in 2013 at 17, and then tore the ACL in his other knee two years later, and he could no longer play for the academy. He was devastated. Despite the setback, he remained passionate about soccer, and continued to play in pick up games throughout his adulthood.

As Mr. Russell applied for colleges, he pursued as many scholarship opportunities as possible to avoid burdening his mother with paying for college. He had his sights set on two highly selective programs: the Gates Millenium Scholars Program and the Posse Scholars Program. The Gates scholarship is a full-tuition scholarship covering the cost of education through graduate school, which was established by the Bill and Melinda Gates Foundation.¹⁴ The Gates scholarship is



Mr. Russell at the Posse awards

¹² Blau Weiss Gottsche, *Home*, <https://www.bwgottschee.org/> (last accessed Apr. 24, 2024).

¹³ Wikipedia, *New York Cosmos (2010)*, [https://en.wikipedia.org/wiki/New_York_Cosmos_\(2010\)#History](https://en.wikipedia.org/wiki/New_York_Cosmos_(2010)#History) (last accessed Apr. 24, 2024).

¹⁴ Gates Millenium Scholars Program, *About Us*, <https://gmshp.org/a-gates-millennium-scholars-program/> (last accessed Apr. 24, 2024).

awarded to only 300 students nationwide out of 34,000 applicants each year.¹⁵ The



Mr. Russell with his mother
at his first day of college

Posse program provides cohorts of 10 students from diverse and low-income backgrounds structured mentoring and training throughout college to ensure greater diversity in college admissions and assist first-generation students with matriculation.¹⁶ After writing 10 separate essays in his applications, Mr. Russell and his family were elated when they learned that he been accepted to both programs. His mother was exceptionally proud of her son. Her pride only swelled when he was admitted to Babson College in Wellesley Massachusetts.

While at Babson, he remained active with the Posse program and attended weekly meetings with his mentors and participated in annual retreats and trainings. He majored in Business Management and continued his drive to work in finance. He obtained paid internships at Deutsche Bank in the summers of 2016 and 2017, respectively. PSR ¶107. The Gates scholarship also allowed him to study abroad in Barcelona, Spain, Malaysia, and Singapore. His experiences studying abroad inspired a lifelong passion for traveling. He eventually would travel to over 30 countries before he was 30 years old.

His hard work throughout college paid off when he graduated *cum laude* with his Bachelor of Science degree in 2018. He was the first person in his family to graduate from college and his parents, his sisters, and other family members were there to watch his momentous achievement. As his mother described, “You can just imagine how I felt as a mother, me not being able to attend college and knowing that I am raising a son that could be a part of the 1% of black men in America to do so. Rashawn has given me many proud moments. However, one of my proudest moments was when he walked across that stage on May 20, 2018 when he graduated college with honors. I beamed with the uttermost pride that my son is indeed the one percent.”¹⁷



¹⁵ Becky Weinstein, *How to Win the Gates Scholarship*, Collegeadvisor.com, <https://www.collegeadvisor.com/merit-based-scholarships/bill-gates-scholarship/#:~:text=The%20path%20to%20becoming%20one,rate%20of%20less%20than%201%25> (last accessed Apr. 24, 2024).

¹⁶ Posse Foundation, *About Posse*, <https://www.possefoundation.org/about-posse> (last accessed Apr. 24, 2024).

¹⁷ Catherine Singh letter of support (attached hereto as Exhibit A).

The realization of a dream.

After he graduated from college, he realized his long-held dream – he went to work on Wall Street. He started his career at Deutsche Bank as an investment banking analyst in 2018. As an analyst, he obtained his Series 63 and Series 79 licenses, respectively, to become a registered broker. PSR ¶102. He was not only working in his dream job, but he was finally in a position to escape the poverty of his childhood as he earned a starting salary of \$85,000. PSR ¶106. After two years, he was promoted to an associate and was immersed in the non-stop grind of finance, where he worked on several mergers and acquisitions deals and regularly clocked 18-hour days. *Id.* After three years at Deutsche Bank, he moved on to work in private equity with Pantheon Ventures as an associate. Although Pantheon wanted Mr. Russell to move to the San Francisco office, he decided that it was time that he stake his claim as an entrepreneur. PSR ¶105.

Mr. Russell felt confident that he could rely on his extensive network, his experience in managing large financial transactions, and his knowledge of the industry to build up his own investment fund. In 2022, he decided to focus his investment strategy on the volatile cryptocurrency market. At the time, the cryptocurrency market was skyrocketing in value, with Bitcoin, the world's leading cryptocurrency, had reached a value of \$68,000 per coin and the overall market was valued at \$3 trillion.¹⁸ Mr. Russell launched his company R³ Crypto Fund in April 2022 and started securing investors from his network of friends and former colleagues.

A swift downfall.

“I care about Shawn and I know that he has suffered enough with his own demons to warrant any more pain and suffering.” – Richard Zaro

What began as an opportunity to captain his own ship as an entrepreneur eventually spiraled out of control into a disaster that he could not have imagined. Before the end of 2022, the cryptocurrency market crashed, most notably due to the implosion of FTX, one of the largest cryptocurrency exchanges in the world.¹⁹ FTX's collapse sent ripple effects throughout the cryptocurrency industry and led to the highly-publicized trial and conviction of its billionaire founder, Sam Bankman-Fried,

¹⁸ Ari Levy & MacKenzie Sigalos, *Crypto peaked a year ago — investors have lost more than \$2 trillion since*, CNBC (Nov. 14, 2022), <https://www.cnbc.com/2022/11/11/crypto-peaked-in-nov-2021-investors-lost-more-than-2-trillion-since.html>.

¹⁹ Tom Wilson et al., *Cryptoverse: Bye-bye to the year that broke bitcoin*, Reuters (Dec. 20, 2022), <https://www.reuters.com/technology/cryptoverse-bye-bye-year-that-broke-bitcoin-2022-12-20/>.

in 2023.²⁰ The larger market collapse also impacted Mr. Russell's nascent fund and contributed to his conduct in the instant case in defrauding his investors.

The other significant factor in his conduct was his addiction to gambling. Mr. Russell had been exposed to gambling at an early age. He reports that "growing up, gambling was something so common. On every corner there's people playing dominoes for money, or bingo. I would be the only kid who played dominoes and bingo with adult men and women." Although it would be several years before he would gamble again, he started gambling intensely when he worked at Deutsche Bank. To a large extent, his attraction to the stock market was an outgrowth of his gambling addiction, given the high stakes and potential for massive gains or losses. As noted in the PSR, his addiction intensified to the point that "if he had \$100 in his bank account and needed to spend \$15 towards food, he would not spend the \$15 and would instead bet all of the \$100." PSR ¶95. He estimated that he likely spent all of his earnings from his finance career on betting. *Id.* Mr. Russell often drank when he gambled as well. Prior to the instant case, he had not sought treatment for his addiction – "I didn't think I had a problem."

While he was on Pretrial supervision, he had started treatment with Gambler's Anonymous ("GA") and felt that he was making progress. He attended sessions twice per week until his incarceration. Although he participated in treatment for only around four months, he had already made an impact with other people in treatment. As Richard Zaro reports, he met Mr. Russell in GA meetings in Manhattan and had come to rely on him as a means of support. He reports that "there have been countless times I've relied on Shawn to hear about my suffering to help me not gamble that day - and he has been there every time."²¹ Mr. Russell knows that he has hurt many people. The victims here were not strangers. These were his friends, his colleagues, and in some instances, their family members. He deeply regrets the pain that he has caused them and will make them whole.

Mr. Russell detention at MDC has been especially harsh.

For two months, Mr. Russell has been detained at MDC and has endured extremely harsh conditions. While at MDC, he has experienced near constant lockdowns, where people are often locked in their cells all day, with minimal time outside of the cell, even to take a shower. His access to phones has been extremely

²⁰ Allison Morrow, *Sam Bankman-Fried found guilty of seven counts of fraud in stunning fall for former crypto billionaire*, CNN (Nov. 3, 2023), <https://www.cnn.com/2023/11/02/business/ftx-sbf-fraud-trial-verdict/index.html>.

²¹ Richard Zaro letter of support (attached hereto as Exhibit A).

limited and he has regularly been served cold meals. As Southern District of New York Judge Furman recently wrote, “confining [people] to their cells [at MDC] is . . . tantamount to solitary or near-solitary confinement, a practice that is increasingly viewed as inhumane.” *United States v. Gustavo Chavez*, 22-cr-303 (S.D.N.Y. Jan. 4, 2024) (attached hereto as Exhibit B).

Most recently, Mr. Russell has observed maggots in the food that was served to him and other detainees in early April. His observation has been confirmed by several other people incarcerated at MDC, as well as in news reports.²² Mr. Russell also recently observed one of his roommates have a seizure in front of him and had to join several other detainees in yelling out “don’t let him die!” to get the attention of the corrections officers on the unit and to ensure that the man would receive medical care. Mr. Russell observed another man get stabbed around the same time. Beyond the lockdowns, unsanitary conditions, and violence, he has also dealt with non-working toilets, dirty vents, and broken lights, among a host of other issues.

Despite these deplorable conditions, Mr. Russell has made efforts to stay productive. He has spent much of his incarceration reading over 15 books and is currently reading “Great Expectations” by Charles Dickens, “A Promised Land” by former President Barack Obama, “A Long Way Gone” by Ishmael Beah, and “The Kite Runner” by Khaled Hosseini among others. Further, he has participated in programs and supported other detainees. Notably, he has developed a workout program for his roommate and other detainees on his unit where he leads a 2-3 hour daily workout regimen, advises them on nutrition, and has even helped his roommate lose weight. Prior to his incarceration, Mr. Russell made mistakes in violating the terms of release, from improperly visiting Crunch fitness gyms to not abiding by making unauthorized stops when he was permitted to travel outside the home. However, it is abundantly clear is that Mr. Russell has learned his lesson, and this will never happen again.

As this Court is aware, judges in this district and SDNY have granted leniency at sentencing for defendants incarcerated at MDC given the severe conditions. These courts have acknowledged that the unusual harshness of incarceration diminishes the retributive or deterrent need for a guidelines sentence, and they have imposed terms of imprisonment that are substantially less than the bottom of the defendants’

²² See John Annese, “Maggot-infested meals being served to inmates at Brooklyn federal jail, lawyers say,” *The New York Daily News*, March 30, 2024, <https://www.nydailynews.com/2024/03/30/maggot-infested-meals-being-served-inmates-at-brooklyn-federal-jail-lawyers-say/> (attached as Exhibit C).

advisory ranges, including many sentences for time served. *See United States v. Phillip Placide*, 21-cr-539 (AMD) (imposing time served sentence); *United States v. Narcissi*, 20-cr-449 (RPK) (E.D.N.Y. Mar. 15, 2021) (imposing time-served sentence where guidelines range was 24-30 months); *United States v. Temagen Stephenson*, 20-cr-511 (AMD) (imposing time served sentence); *United States v. Shi*, 19-cr-451 (PKC) (E.D.N.Y. Nov. 2, 2020) (imposing no prison where guidelines range was 12-18 months); *United States v. Piper*, 18-cr-008 (AMD) (E.D.N.Y. June 25, 2020) (imposing time-served sentence on resentencing where bottom of guidelines range was 63 months). *See also United States v. Flowers*, 14-cr-471 (DLI) (E.D.N.Y. Apr. 20, 2022) (imposing 24 months in violation of supervised release case where guidelines range was 33-41 months); *United States v. Camacho*, 19-cr-389 (CM) (S.D.N.Y. Nov 19, 2020) (imposing time-served sentence where bottom of guidelines range was 57 months); *United States v. Paulino*, 19-cr-607 (AJN) (S.D.N.Y. Oct. 21, 2020) (imposing time-served sentence where bottom of guidelines ranges was 27 months); *United States v. Aracena de Jesus*, 20-cr-19 (PAE) (S.D.N.Y. July 1, 2020) (imposing time-served sentence where bottom of guidelines range was 30 months).

Mr. Russell will bear the brunt of collateral consequences with a felony conviction.

Mr. Russell has never had a criminal record until his conviction in the instant matter. A felony conviction triggers a host of collateral consequences, including significant barriers to employment, education, and access to credit and financial services:

Collateral consequences affect many areas of life. Some criminal convictions can lead to loss of civil status; a citizen may lose the right to vote, serve on a jury, or hold office; a noncitizen may be deported or become ineligible to naturalize. A conviction may make a person ineligible for public benefits, such as the ability to live in public housing or hold a driver's license. . . . A criminal conviction can also make a person ineligible for a license or permit necessary to be employed or to do business, or cause forfeiture of a pension. Criminal convictions can also affect family relations, such as the ability to have custody or visitation of one's child.²³

²³ Gabriel Jackson Chin, "Collateral Consequences," Academy for Justice, A Report on Scholarship and Criminal Justice Reform (Erik Luna et al., 2017), <https://ssrn.com/abstract=2948025> (emphasis added).

In New York, a felony conviction can subject someone to 374²⁴ separate barriers to employment, including absolute bars on becoming a Certified Nursing Assistant,²⁵ a firefighter,²⁶ a security guard,²⁷ or even working as the director of a funeral home.²⁸ Mr. Russell has already experienced the impact of the collateral consequences of this case as his securities licenses were suspended on August 11, 2023. PSR ¶102. Every job and internship that Mr. Russell has held since he was in high school has been in the finance industry, and it is very likely that he will never be able to work in that industry ever again.

Further, as noted in the PSR, Mr. Russell faces several additional collateral consequences, such as restrictions on public benefits, housing, and jury service, among a host of other consequences. PSR ¶137.

The goals of sentencing will be best served with a non-incarceratory sentence.

Pursuant to 18 U.S.C. § 3553(a)(6), in determining a sentence that is sufficient, but not greater than necessary, the Court “shall consider” “the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct.” This Court has full authority to consider any evidence it wishes in deciding whether or not the guidelines “properly reflect § 3553 considerations[.]” *Rita v. United States*, 551 U.S. 338, 351 (2007); *see also Gall v. United States*, 552 U.S. 38 (2007); *Kimbrough v. United States*, 552 U.S. 85 (2007). In particular, the district court may consider whether the guidelines applicable to a case “properly reflect § 3553 considerations,” may reach the “merits of such a claim,” may act on such concerns, and determine, as a general matter, that “the Guidelines reflect an unsound judgment.” *Rita*, 551 U.S. at 351-357; *see also Kimbrough*, 552 U.S. at 85.

Here, it is clear that Mr. Russell’s history and characteristics, § 3553(a)(1), support a sentence of time served. Mr. Russell was an accomplished professional and athlete for most of his life before this case and had excelled at every level of his life. Despite growing up in abject poverty in Jamaica and Brownsville, he attended two

²⁴ See National Inventory of Collateral Consequences of Conviction, Collateral Consequences Inventory, <https://niccc.nationalreentryresourcecenter.org/consequences>.

²⁵ See 10 CRR-NY § 402.7 (“Where the criminal history information of a prospective employee reveals a felony conviction at any time for a . . . class B or C felony, any class D or E felony defined in articles . . . 155 [Larceny offenses], . . . of the Penal Law or . . . any comparable offense in any other jurisdiction, the Department shall propose disapproval of such person’s eligibility for employment. . . .”) (emphasis added and omitted).

²⁶ See N.Y.C. Admin. Code § 15-103(b).

²⁷ See N.Y. Gen. Bus. L. §§ 74(2), 89-h(4).

²⁸ See N.Y. Pub. Health L. § 3450(1)(b).

high-performing high schools, Calabar and HSEF, secured two prestigious awards in the Gates scholarship and the Posse program, and was on track to become a professional soccer player until he was derailed by injury. He graduated cum laude from college with a business degree and was rising the corporate ladder in finance before launching his own business. He had traveled the world and was an inspiration to his family and community. However, his intense gambling addiction and poor choices led to the dissolution of his business and many friendships, significant harm to the victims and many people close to him, his current incarceration, and the great disappointment of his mother, who had sacrificed so much for him and his sisters. Further, a term of probation will enable him to connect with needed treatment services for his gambling addiction, § 3553(a)(1)(D), to address the root causes of his conduct in this case.



Mr. Russell at his college graduation ceremony with his mother and sisters

CONCLUSION

For the aforementioned reasons, we respectfully request that the court impose a sentence of time served, as such a sentence will be sufficient, but not greater than necessary, to achieve the goals of sentencing.

Respectfully submitted,

/s Karume James

Karume James

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